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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,443	01/07/2002	Yun Lung Chen	2323	9457

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EXAMINER,

CHANG, YEAN HSI

ART UNIT PAPER NUMBER

2835

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/038,443

Applicant(s)

CHEN, YUN LUNG

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37.CFR 3.73(b).

2. Claims 1-13 are rejected under the judicially created doctrine of obviousness-

type double patenting as being unpatentable over claims 1-15 of U.S. Patent No.

6,473,313 B1 (Pat.'313) in view of Justice et al. (US 6,299,266 B1), further in view of

Chen (US 2003/0048604 A1) (Chen'604). The differences between the content of the

claims the instant application and the content of claims of Pat. '313 are as follows:

A. The terminologies used are different, such as: a mounting assembly vs. a fastening device, a storage device vs. a data storage device, a mounting bracket vs. a bracket, a first side panel vs. a second side panel, a second side panel vs. first side panel, and etc.

B. Pat. '313 fails to claim a clip attachable on the second side panel, comprising a central press portion and a pair of hands, each of the hands having a palm extendable through a corresponding through hole of the mounting bracket. However, Justice teaches mounting assembly (200, fig. 2) comprising: a clip (220, fig. 2) attachable on a second side panel (210, fig. 2), comprising a central press portion (330, fig. 3) and a pair of hands (240, fig. 3b), each having a palm (not numbered, shown at end of 240 in fig. 3) extending through a corresponding through hole (310, fig. 3) of the mounting bracket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Pat.'313 with the clip taught by Justice so that the storage device can be firmly held in place.

C. Pat.'313 modified by Justice fails to teach barbs on each palm. However, Chen'604 teaches barbs (18, fig. 1) on each palm (14, fig. 1) of an arm (12, fig. 1) of a clip (10, fig. 1) on a mounting bracket (30, fig. 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Pat.'313 modified by Justice with the palm taught by Chen'604 such that the palm can be resiliently engaged with the storage device.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Justice et al. (US 6,299,266 B1) in view of Adams et al. (US 6,330,147 B1), further in view of Felcman et al. (US 6,122,173).

Justice teaches an electronic device assembly (100, fig. 1) comprising:

- A storage device (110, fig. 2) defining a pair of locking holes (300, fig. 2) in one side thereof (claims 6 and 11)
- A mounting assembly (130, fig. 1) comprising:
  - A mounting bracket (120, fig. 2) receiving the storage device therein, comprising a first side panel (210, fig. 2) a second side panel (210, fig. 2) defining a pair of through holes (310, fig. 3) in alignment with the locking holes (claims 1, 6 and 11)
  - A clip (220, fig. 3) attached to the second side panel, comprising a central press portion (330, fig. 3) and a pair of hands (240, fig. 3b), each having a palm (not numbered, shown at end of 240 in fig. 3) extending through a corresponding through hole (310, fig. 3) of the mounting bracket (claims 1, 6 and 11)
  - Wherein when the press portion is inwardly pressed the hands are elastically moved away from each other and the hands may be extended through the corresponding through holes or released from the storage device (as shown in figs. 3) (1-2, 4, 6, 8-9, 11-12 and 13)

- Wherein the clip further comprises a pair of bent portions (next to each end of the central press portion, shown in figs. 3, not numbered) bent outwardly, and a pair of connection portions (next to each of the bent portions shown in figs. 3, not numbered) extending away from each other (claims 2, 7 and 12)

Justice fails to teach barbs on each of the palms. However, Adams teaches a clip (20, fig. 5) having barbs (26, fig. 5) on each of palms (24 and 25, fig. 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Justice with the palm taught by Adams such that the clip may engage the storage device securely.

Justice also fails to teach a groove on the first side panel. However, Felcman teaches a first side panel (24, fig. 2) of a mounting bracket (12, fig. 2) defining a groove (54j, fig. 2) for slidably receiving screws (50, fig. 2) attached on one side of a storage device (40, fig. 2) and thereby guiding the storage device into the mounting bracket (see col. 6, lines 26-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Justice modified by Adams with the mounting bracket taught by Felcman so that the storage device may be guided in place when installed.

5. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Justice et al. in view of Adams et al. and Felcman et al., further in view of Francovich et al. (US 5,828,547).

Justice et al. in view of Adams et al. and Felcman et al. discloses the claimed invention except the mounting bracket forming at least one pair of supporting tabs disposed below the groove for supporting the storage device. However, Francovich teaches a storage device mounting bracket (86, fig. 10) forming at least one pair of supporting tabs (88, fig. 10) for supporting a storage device (92, fig. 11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Justice modified by Adams and Felcman with the bracket taught by Francovich such that the load on the screws may be released for safety purposes.

### ***Correspondence***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (703) 306-5798. The examiner can normally be reached on 07:30-16:00.

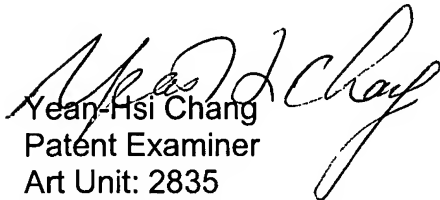
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (703) 308-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 for regular communications and for After Final communications. There are RightFAX numbers and provide the fax sender with an auto-reply fax verifying receipt by the USPTO: Before-Final (703-872-9318) and After-Final (703-872-9319).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-8558.

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Yean-Hsi Chang  
Patent Examiner  
Art Unit: 2835  
April 20, 2003